

SECTION 4

INSTITUTIONAL ANALYSIS PLAN

4.1 PURPOSE

4.1.1 An institutional analysis will be prepared to provide recommendations for institutional controls that can be implemented to protect the public at-large from OE hazards. Institutional controls are actions taken primarily by federal, state and/or local governmental agencies that exercise jurisdiction over lands with OE contamination. Instead of trying to eliminate the risk by removal of ordnance, institutional controls are designed to reduce the risk by modifying behavior through information and education. Land use restrictions such as zoning and regulatory controls such as permitting are effective tools for promoting public awareness of the presence of OE contamination. Printed and video media, school and civic club programs, public exhibits and displays, web sites and ad-hoc committees also can be effective in promoting awareness. Access controls such as signs and fencing are not considered to be institutional controls but can be somewhat effective as part of an ongoing government agency program that includes policing and maintenance.

4.1.2 The institutional analysis will document which government agencies have jurisdiction over JPG and will assess their capability and willingness to assert control which would protect the public at large from explosives hazards. The recommended institutional control alternatives will rely upon government and private entities for land use and regulatory requirements that are typically the most productive institutional control approach. Other public awareness controls will rely on the USACE to provide assistance and support in assuring that they will be implemented. Recommendations will be included in the analysis for those controls that appear to be the most feasible to implement and maintain.

4.2 INSTITUTIONAL ANALYSIS PROCEDURE

4.2.1 The institutional analysis will be performed in three phases. The first phase will be the determination of any existing deed restrictions or other type of institutional control that may already have been placed on the property as a result of some other activity. If such restrictions already exist at

the site it may be easier to modify the existing restriction to address the OE risk than to implement an entirely new institutional control.

4.2.2 The next phase in the process will be to identify any local, state, federal, or private agencies which may have a stake in the implementation or monitoring of a proposed institutional control program. Potential agencies will be screened based on the following criteria:

- ?? What institutions currently hold control over the site?
- ?? What authority do they have?
- ?? Do they have specific responsibility in land-use control and/or public safety?
- ?? What capabilities do they have?
- ?? What resources do they have?
- ?? Are they willing to play a role?

4.2.3 Once potential agencies have been screened against these criteria the third phase of the process - interviews with representatives of local agencies - will be conducted. The interviews will be conducted to determine the appropriateness of the agency to assist in the development or monitoring of an institutional control program. Items to be discussed in the interview and documented in an institutional summary form will include:

- ?? Origin of the Institution - What is the history of the organization?
- ?? Basis of Authority - Where does the organization derive its power?
- ?? Sunset Provision - Are there any portions in the organizations' governing law that requires a legislative committee to consider if the organization still serves a necessary and useful purpose?
- ?? Geographic Jurisdiction - In what geographic area does the organization have authority?
- ?? Public Safety Function - Does the organization have the responsibility for the health and welfare of the public in the practice of its authority?
- ?? Land-Use Control Function - Does the organization have zoning, subdivision, or planning authority within its jurisdiction?
- ?? Financial Capability - Does the organization have its own funding source? How much is the organization able to support an institutional control program through its own resources?

- ?? Constraints - How comparable or how related is the mission of the organization to ordnance safety? What are the limitations for this organization to aid the various institutional controls implementation?
- ?? Acceptance of Joint Responsibility - How willing and able is the organization to work with the USACE?
- ?? Technical Capability - Is the technical mission similar and/or are the personnel of an organization proficient in explaining explosive ordnance history, general location, and safety procedures?
- ?? Intergovernmental Relationships - Does the organization work with other agencies on the local, state, or federal level?
- ?? Stability - How sure were the interviewees that their mission was going to continue into the foreseeable future?
- ?? Funding Sources - Where are funds derived that support the organization activities?

4.3 INSTITUTIONAL ANALYSIS REPORT

4.3.1 The results of the institutional analysis interviews will be documented in an Institutional Analysis Report. This report will be prepared as an appendix to the EE/CA report. The Institutional Analysis Report will include the following sections:

- ?? Purpose of Study;
- ?? Methodology;
- ?? Scope of Effort/Selection Criteria;
- ?? Responsibility;
- ?? Technical Capability;
- ?? Intergovernmental Relationships;
- ?? Funding Sources; and
- ?? Recommendations.

4.3.2 A site visit and overview will provide familiarization with general site characteristics and other information that may be significant to the alternative institutional controls. This will include information on local government not included in the interviews above; land uses within the OE area; development within the OE area; local press, television and radio; school districts; colleges or universities; power companies; chambers of commerce/tourist bureaus; and local civic groups.